

COCN No. 4 of 2015(O&M)

Date of decision: 20.07.2015

ANI Technologies Pvt. Ltd.

.....Petitioner

versus

Sh. Satish Kumar Jain and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Sunil Chadha, Sr. Advocate with
Mr. Vaibhav Narang, Advocate
for the petitioner(s).Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Shekhar Verma, Advocate
for the respondent(s).**Rakesh Kumar Jain, J.(Oral)**

Counsel for the respondent has prayed for withdrawing the statement made in the order dated 7.04.2015 that they would not challan the vehicles of the petitioner.

Counsel for the petitioner has raised no objection in this regard. Therefore, the statement made and recorded in the order dated 7.04.2015 only to the effect that the respondents would not challan the vehicles of the petitioner in any manner is hereby recalled.

During the course of hearing, learned counsel for the petitioner produced an order dated 3.07.2015 passed in CM Nos. 11254 and 13448 of 2014 in CWP No. 18293 of 2014 which read as under:

“Although the main case is fixed for arguments today but it has been brought to the notice of this Court that C.W.P.No. 26392 of 2014 on similar issue is pending before the Division Bench for 16.7.2015, let the

main case be adjourned to await the decision of that case.

Both these applications have been moved for vacation of interim order dated 4.9.2014. Mr. Sanjeev Sharma, learned senior counsel appearing on behalf of U.T., Chandigarh submits that the petitioner-company is illegally operating full fledged taxi service under the name and style of OLA Cabs in the city of Chandigarh in utter violation of statutory provisions of Motor Vehicle Act/Rules, 1988 as well as Radio Taxi Scheme, 2006. The petitioner-Company is taking advantage of interim order in its favour and no action can be taken even in case there is violation of Traffic Rules, whereas, other service providers of the petitioner-company are not party before this Court.

Mr. Sunil Chadha, learned senior counsel for the petitioner-Company submits that the petitioner-company is providing only facility of hiring all types of motor vehicles to the customers through taxi operators/service providers holding valid contract carriage permits under Section 88(9) of Motor Vehicle Act, 1988. The impugned show cause notice dated 23.7.2014 has wrongly been issued to the petitioner-company on wrong averments, whereas, there is no violation of Rules and Act by the Company. In case there is any violation of Motor Vehicle Act/Rules, action can be taken as per law. The petitioner-Company being service provider cannot be held guilty for any violation by the taxi operators in any manner.

After hearing learned counsel for the petitioner as well as applicant-respondent No. 2, interim order dated 4.9.2014 is clarified to the extent that in case any violation of provisions of Motor Vehicle Act/Rules is there, action can be taken by the concerned authority as

per law.

Both the applications shall stand disposed of.”

Counsel for the respondents has submitted that they would challan the vehicles, which are being plied as OLA Cabs, not for the reason that they do not fall within the Radio Taxi Scheme, 2006 but only for the violation of the Motor Vehicles Act/Rules.

In view thereof, Counsel for the petitioner submits that this petition has become infructuous and same may be disposed of as such.

Ordered accordingly.

It is made clear that this order shall be subject to the clarification or any order passed by the Writ Court.

20th July, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
Judge